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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/533,668	03/08/2006	Bruno Egnor-Walter	VAL 196 P2	6210
34232 7590 06/24/2009 MATTHEW R. JENKINS, ESQ. 2310 FAR HILLS BUILDING DAYTON, OH 45419				
EXAMINER				
GRAHAM, GARY K				
ART UNIT		PAPER NUMBER		
3727				
MAIL DATE		DELIVERY MODE		
06/24/2009		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/533,668

**Applicant(s)**

EGNER-WALTER ET AL.

**Examiner**

Gary K. Graham

**Art Unit**

3727

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SF 298)  
Paper No(s)/Mail Date 20050503
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 112*

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, line 12, there is no antecedent basis for “the side remote” and “the limit stop”. Also, the language “...to rest against of a shoulder...” appears improper. In line 13, there is no antecedent basis for “the coupling portion overlapping the adapter”. In line 14, there is no antecedent basis for “the assembled state”.

In claim 3, reference to the wiper blade to establish the direction of spacing for the portions appears improper since the blade is not part of the claimed adapter. Such leads to confusion as to exactly what is being claimed, either the combination of adapter/main yoke/wiper arm or merely the adapter. If applicant's claims are to be directed to the combination of components, claim 1 should clearly set forth such.

In claim 7, line 2, there is no antecedent basis for “the width”. Further, setting forth that the second contact portion is gripped around by the coupling portion of the wiper arm appears improper and confusing. It becomes unclear exactly what is being claimed, either a combination of elements or only an adapter.

In claim 14, it appears improper to define the leg as not projecting beyond the side walls of the main yoke since the main yoke does not appear to be part of the claimed adapter. Such leads to confusion as to exactly what is being claimed, either the combination of adapter/main yoke/wiper arm or merely the adapter. If applicant's claims are to be directed to the combination of components, claim 1 should clearly set forth such.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-14 are rejected under 35 U.S.C. 102(b) as being anticipated by Marks (US patent 5,715,563).

Initially it is noted that applicant's claims appear to be directed to only an adapter, in view of the wording of claim 1. The patent to Marks discloses the invention as is claimed. Marks discloses an adapter (60, figs. 22, 24-26) as is claimed. The adapter adapts a main yoke (10) to a pin (70, fig.26) of a pin arm. The adapter includes an insertion pin (outer cylindrical surface of adapter) for lateral introduction into an opening (12) in the main yoke (10). A cylindrical recess (62), in blind hole form, for accommodating pin (70) is provided within the insertion pin and defines an insertion opening. A first contact "portion" is provided in an area of the insertion opening, essentially that portion of the cylinder surrounding the insertion opening. The adapter of Marks discloses multiple portions that can be considered as second contact portions such as those identified by numerals

(65,66,67). Such are arranged on a side of the adapter remote from the insertion opening and are “adapted” to rest against shoulders of the coupling portion, at least as far as defined. Note that the portion identified by numeral (67) is at least L-shaped. It is noted that the claims are directed only to the adapter and not a combination of adapter/arm/main yoke. Thus no particular engagement of surfaces or portions of the adapter with either the main yoke or wiper arm is required by the claims that would distinguish from Marks.

With respect to claims 10 and 11, note catch portion (67) for latching with the main yoke. Such catch portion is arranged on the second contact portion (65).

With respect to claims 13 and 14, note leg (63). Note that there is no requirement that the leg actually rests against a side wall of the main yoke since the main yoke is not being claimed and makes up no part of the adapter.

Claims 1-14 are rejected under 35 U.S.C. 102(b) as being anticipated by Maiocco (US patent 4,446,589).

Initially it is noted that applicant's claims appear to be directed to only an adapter, in view of the wording of claim 1. The patent to Maiocco discloses the invention as is claimed. Maiocco discloses an adapter (2, figs. 2,3) as is claimed. The adapter adapts a main yoke (1) to a wiper arm (3). The adapter includes an insertion pin (21) for lateral introduction into an opening (8) in the main yoke (1). A cylindrical recess (19), in blind hole form, which can accommodate a pin is provided within the insertion pin and defines an insertion opening. A first contact “portion” is provided in an area of the insertion opening, essentially that portion of the cylinder surrounding the insertion opening. The adapter of Maiocco discloses multiple portions that can be considered as second contact portions such as those identified by numerals (11-18). Such are arranged on a side of

the adapter remote from the insertion opening and are “adapted” to rest against shoulders of a coupling portion of a wiper arm, at least as far as defined. Note that the portion identified by numerals (11,17) is at least L-shaped. It is noted that the claims are directed only to the adapter and not a combination of adapter/arm/main yoke. Thus no particular engagement of surfaces or portions of the adapter with either the main yoke or wiper arm is required by the claims that would distinguish from Maiocco.

With respect to claim 5, note cheeks defined by portion (22) and portion (17)

With respect to claims 10 and 11, note catch portion (12) for latching with a coupling portion of the wiper arm. Such catch portion is arranged on the second contact portion.

With respect to claims 13 and 14, note leg (22). Note that there is no requirement that the leg actually rests against a side wall of the main yoke since the main yoke is not being claimed and makes up no part of the adapter.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gary K. Graham whose telephone number is 571-272-1274. The examiner can normally be reached on Tuesday to Friday (7:00-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner’s supervisor, Monica S. Carter can be reached on 571-272-4475. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Gary K Graham/  
Primary Examiner, Art Unit 3727

GKG  
22 June 2009